

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

IGOR KOZLOV,

Plaintiff,

V.

ASSOCIATED WHOLESALE  
GROCERS, INC, A Kansas  
Corporation, and PAMELA SCOTT,  
Personal Representative of the  
Estate of Michael E. Scott, Deceased,

Defendants.

Case No. \_\_\_\_\_

COMPLAINT AND JURY DEMAND

COMES NOW the Plaintiff, and for his cause of action against the Defendants,  
hereby alleges as follows relating to all counts:

1. Parties:

- a) Plaintiff Igor Kozlov (Kozlov) is a resident of the state of New York and was an over-the-road truck driver possessing a commercial driver's license;
- b) Defendant Associated Wholesale Grocers, Inc., (Associated) is a corporation organized under and by virtue of the state of Kansas, and was engaged in the business of over-the-road trucking;
- c) Defendant Pamela Scott is Personal Representative of the Estate of Michael E. Scott, Deceased, (Scott) who at all times was a resident of the state of Missouri, and at all times was employed by and operating within the scope and course of his employment with the Defendant Associated. Pamela Scott has been appointed Personal Representative of said Estate by the Probate Court of Jackson County,

Missouri and is a resident of the state of Missouri.

2. Jurisdiction:

This Court has jurisdiction pursuant to 28 USC § 1332 because there exists complete diversity of citizenship among the parties and the amount in controversy exceeds \$75,000.00, exclusive of costs.

3. On or about August 9, 2010, the Plaintiff Kozlov was operating a 2000 Freightliner tractor-trailer in a west bound direction on Interstate Highway 80 near mile marker 379 in Seward County, Nebraska. Said vehicle was traveling west bound at approximately 62 miles per hour and was in the north lane of west bound traffic. At said time and place, Scott, Deceased, acting within the scope and course of his employment with Defendant Associated, was traveling immediately to the rear of the Plaintiff's vehicle and driving a 2000 Volvo tractor, which was owned and operated by Defendant Associated. The vehicle driven by Scott collided with the rear of the tractor-trailer being operated by Plaintiff Kozlov, and as a result Plaintiff Kozlov was injured. The collision was caused by the negligence of the Defendants, and each of them, as hereinafter set forth.

4. Negligence: The aforesaid accident was caused by the negligence of the Defendants, and each of them, as follows:

- a. Traveling at a speed in excess of that which was reasonable and proper under the circumstances that then and there existed;
- b. Failure to keep a proper lookout;

- c. Failing to keep the vehicle under reasonable control.
- 5. As a result of the aforesaid negligence, the Plaintiff received bodily injuries and has incurred damages as follows:
  - a. Medical expenses past and future;
  - b. Lost wages, past and future;
  - c. Loss of earning capacity;
  - d. Permanent impairment;
  - e. Pain, suffering, and mental anguish, past and future.

WHEREFORE the Plaintiff prays for judgment against the Defendants, and each of them, in the amount of \$1,000,000.00, plus costs and interest.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial in Lincoln, Nebraska.

Dated this 28<sup>th</sup> day of October, 2010.

IGOR KOZLOV, Plaintiff

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